

MEMORIAL

OF

JAMES H. CAUSTEN,

*Asking payment by the United States of the several instalments accrued or accruing to the respective claimants under the convention with Mexico.*

JANUARY 26, 1846.

Referred to the Committee on Foreign Affairs, and ordered to be printed.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled.*

The memorial of James H. Causten, of the city of Washington,

RESPECTFULLY SHOWETH:

That your memorialist is the proprietor, to a considerable amount, of scrip issued by the Treasury of the United States to cover awards for indemnity due from the government of Mexico, made by the late joint commission under the provisions of the convention with Mexico of April 11, 1839; which Treasury certificates were issued in pursuance of the seventh section of the act of Congress of June 12, 1840, entitled "An act to carry into effect a convention between the United States and the Mexican republic:" that said convention was entered into and concluded without consultation with the claimants, and contained provisions utterly repugnant to their interest; more particularly in stipulating that the awards which should be made by the joint commission therein provided for, should be discharged with Mexican Treasury notes, dollar for dollar, when like Treasury notes were worth in the Mexican capital and seaports only about one-fourth of their nominal value, and often at only one-half that rate; and the United States also stipulated therein, to release Mexico from her obligation for said awards on her issue of such Treasury notes to an equal amount, (Mexico was then and constantly flooded with such issues in anticipation of her revenue,) without regard to the depreciation referred to, nor to the determination of any period within which said Treasury notes should be redeemed; they were, in fact, considered so worthless, that intelligent merchants, proprietors of large claims, abandoned them rather than accept so unpromising a consideration. Such was, nevertheless, a treaty provision and the "supreme law of the land," and, as such, was obligatory alike on the government and the individuals concerned; it contemplated a liquidated debt, which is not a subject of composition or negotiation; and, besides, the interest of a third party was then involved, which forbade the high contracting parties to the original compact from modifying its conditions *ex parte*.

Ritchie & Leiss, printers.

The awards being completed, so far as the joint commission extended, the Treasury of the United States, under the authority of the seventh section of the act of Congress before mentioned, issued Treasury certificates to a like amount, and redeemable in Mexican Treasury notes, in the form set forth in the accompanying paper, marked A; and no other form has since been adopted. A demand was made on Mexico for a like amount of Mexican Treasury notes, but Mexico alleged her inconvenience with regard to her customs revenue, and upon that ground refused to issue them. This refusal gave the United States the undoubted right to demand immediate payment in totality in money; and such was clearly the interest and desire of the claimants. But the United States, on the score of public policy, indulged Mexico (as set forth in the President's message to Congress of December 2, 1845, page 7, extract herewith, marked B) by assenting to a new convention, (which abrogated the vested rights of the claimants flowing from the convention of 1839, as before mentioned,) wherein, in lieu of a present payment, she was permitted to pay said awards within the space of five years, in twenty quarter-yearly instalments of five per cent. each; this unfortunate indulgence has resulted in a default of payment by Mexico for two years past, to the serious inconvenience of the claimants. This modified arrangement, however, appears to have been entered into by Mexico with unusual good faith; the first payment she was bound to make under it was for the arrearage of interest due thereon up to a given day, and amounted to about two hundred and seventy thousand dollars; and so zealous was she to comply with that engagement, the maturity of which had arrived before collections could be accomplished, and loans solicited having failed, a peremptory forced loan was adopted, under which the private carriages of her first citizens were seized in the public streets and sold at any sacrifice; and thus the amount obtained to cover said payment.

Said forced loan (official copies and translations herewith, marked C, D,) was made for the whole twenty instalments of debt, and the interest thereon, amounting to two millions five hundred thousand dollars, payable quarterly to meet the instalments due to the United States, and was assessed upon the whole people of Mexico, of all ranks and denominations; and said forced loan was immediately thereafter confirmed by a decree or law, which is now on her statute book, and in course of execution; (extract herewith, marked E.) It produced the payment of the three first instalments, (over and above the arrearage of interest before mentioned,) as they became due, which were received at our Treasury, and distributed among the holders of said Treasury certificates, after a deduction of charges under protest. The two next succeeding instalments were also paid, together, to the agent of the United States in Mexico, who has in some undefined manner appropriated the same to his own use, or in conjunction with other persons, with or without the knowledge or participation of the then American minister, as the case may be when the present mystery shall be solved. Said minister promptly and officially communicated to our Department of State that said payment had been made, (extract herewith, marked F;) and our Secretary of State promulgated that fact by public advertisement, (copy herewith, marked G,) which is extant to this day; and thereby induced some of the said Treasury certificate holders to confidently enter into money engagements, which resulted in repudiation on all sides, and great distress to many worthy individuals, who are not yet relieved, but whose

distress has been further aggravated by the refusal at our Treasury to execute an act of Congress passed at the last session, appropriating money to cover said two instalments.

It does not become your memorialist to complain of the selection made by his government of the late functionaries to execute the duties assigned them in Mexico, since the responsibility for their acts by the government that appointed them cannot be doubted; but he may be permitted to say, that the pretext they have set out for the non-performance or mal-performance of their duties, falls far short of what was reasonably expected from them. The minister had officially announced that said two instalments *were paid*; many months thereafter, and when his mission was terminated, he asserted that they were *not paid*, but that "drafts on the local treasuries for an amount sufficiently large to cover the principal and interest due on the two instalments, and the cost of collecting the same, and transmitting the money to Vera Cruz," had been accepted; and that the agent of the United States had "considered the drafts as cash, or the same as cash, and that he had receipted to the Mexican government accordingly." Mexico therefore holds our discharge and acquittance for so much of the debt; an exoneration which will hardly be charged against the claimants. This last representation of the minister was made as set off against a report current throughout the country, and generally believed, and not yet removed, that a speculation or peculation with a view to the personal profit of said agent, in conjunction with other persons in high authority, unknown, had been made with the *money actually received* by said agent in discharge of said two instalments, since he could have given such acquittance only on the receipt of "gold or silver in the city of Mexico." It is worthy of remark too, that the minister declared officially, that said payment was made "to the agent of the government [of the United States] appointed to receive and transmit the same, on the 27th of August, 1844," adding, "I am advised that it was with the utmost difficulty that this government was able to raise the money to pay the two last instalments;" the payment, then, was in *money*, and paid on the 27th of August. The agent, on the other hand, has furnished a copy of the acquittance given for the same payment, which bears date the 20th of September; and he declares that the payment was made, *not in money*, but in drafts on the Mexican custom-houses. This discrepancy remains unexplained, and, to all appearance, disregarded; it concerns the claimants no otherwise than in being deprived of their money, and they should manifestly be relieved, whether the mystery results from accident or intention.

It is true that our minister has volunteered his testimony that said agent "has acted throughout with the most perfect good faith and integrity;" and no doubt said agent would, in like manner, testify in favor of said minister—and in this both may be right; but if either of them had disclosed the *amount* of said drafts, when really received, their present condition, and who holds them, (which they have both studiously avoided to make known, or at least not promulgated,) there might be found less difficulty in deciding on the integrity of either, should the same be eventually questioned by those who have a right to do so. But whatever was the real conduct of said agent, there was clearly negligence at least on the part of the minister, whose duty it was to know the true condition and progress of the matter, and protect the interest of his government therein: and being in immediate and close connexion with said agent, occupying

in common with him the same apartments, the true state of the matter was at all times within his convenient reach. Whether our government was or was not content with these variant, discordant, and absurd representations of its diplomatic agents, unexplained, your memorialist has no means to know or right to judge. But he would respectfully announce to your honorable bodies, that there is now due from Mexico, and unpaid, eight of said twenty instalments, being, with the interest thereon, more than a moiety of the original liquidated indemnity debt; and that the Department of State is as a sealed book to your memorialist and his co-sufferers with respect to what has been done, is now doing, or in contemplation to be done for their relief; but it is currently reported and believed that our government is now negotiating with the Mexican government for the purchase of territory or territorial boundaries, and that the consideration offered for the same is the claims to indemnity, liquidated and unliquidated, of our citizens, including the identical Treasury certificate claims above referred to.

Your memorialist would further represent, that in all the stages of negotiation with Mexico, in respect to the two classes of claims just mentioned, the United States have proceeded as if they were national property, have issued said certificates at, and also made them payable at, their own Treasury; and thus debarred the holders from preferring them against the Mexican government, who regards the debt as due from it to the United States, and not to the holders of said United States Treasury certificates; that our government has modified the conventional engagement with Mexico for the convenience of the latter, and then indulged her (extract herewith, marked H) in the execution thereof, for political considerations, and wholly at variance with the interest and convenience of the claimants; and has for like considerations abstained from exacting from her the said instalments when due and payable; (extract herewith, marked I;) and, finally, is at this time, as is understood, engaged in a negotiation to barter or exchange the said indemnity debt for territory on national account, and for which the whole national community should in justice contribute. To such public use of private property there can be no legal objection, since the constitution has provided a remedy in a "just compensation;" but there is both a legal and equitable objection to delay of this just compensation, for delay is injustice.

Your memorialist, therefore, prays that his government will make said claims in effect, as they are in form, national property, by directing the Treasury to discharge them by payment.

And, as in duty bound, your memorialist will ever pray.

JAMES H. CAUSTEN.

WASHINGTON, *January 26, 1846.*

A.

UNITED STATES TREASURY CERTIFICATE, UNDER THE MEXICAN CONVENTION.

No. ———.

UNITED STATES TREASURY DEPARTMENT,  
*Register's Office, — 184—.*

Whereas the commissioners appointed to carry into effect the convention between the United States and the Mexican republic, concluded at



Washington on the 11th of April, 1839, did on the — day of — 184—, award a certain sum to be due to —

Now, therefore, be it known, that of the amount thus awarded, there will be due and payable on the surrender of this certificate at this department to — or — assigns, the sum of —, either in money, or Mexican Treasury notes, bearing interest at the rate of eight per centum per annum, from the — day of — 184—, in conformity to the sixth article of the said convention, whenever the same shall have been received from the Mexican government into the Treasury of the United States. And whenever any part of the amount awarded shall be paid into the treasury, then this certificate will be paid according to the proportion the amount received bears to the amount awarded. Such claimants and their assigns being hereby entitled to the same, and no other, rights, as are conferred by the said convention and the act of Congress of June 12, 1840.

— Register.

The within [above] is the form on which certificates were issued on the awards of the commissioners under the convention with Mexico of the 11th April, 1839.

TREASURY DEPARTMENT,

Register's Office, January 26, 1846.

R. H. GILLET.

B.

*Extract from the President's message to both Houses of Congress, of December 2, 1845—page 7.*

"The sum of two millions twenty-six thousand one hundred and thirty-nine dollars and sixty-eight cents, decided by the board, was a liquidated and ascertained debt due by Mexico to the claimants, and there was no justifiable reason for delaying its payment according to the terms of the treaty. It was not, however, paid. Mexico applied for further indulgence; and, in that spirit of liberality and forbearance which has ever marked the policy of the United States towards that republic, the request was granted; and, on the 30th of January, 1843, a new treaty was concluded. By this treaty it was provided, that the interest due on the awards in favor of claimants under the convention of the 11th of April, 1839, should be paid on the 30th of April, 1843; and that 'the principal of the said awards, and the interest arising thereon, shall be paid in five years, to commence on the 30th of April, 1843, as aforesaid.' The interest due on the 30th of April, 1843, and the three first of the twenty instalments, have been paid. Seventeen of these instalments remain unpaid, seven of which are now due."

C.

El C. VALENTIN CANALIZO, *general de division, gobernador y comandante general del departamento de México.*

Por el ministerio de hacienda, con esta fecha, se me ha comunicado lo siguiente.

"El Exmo. Sr. Presidente provisional de la República se ha servido espedir el decreto que sigue.

“Antonio Lopez de Santa-Anna, general de division, benemérito de la patria y Presidente provisional de la República Mexicana, á los habitantes de ella, sabed: Que demandado y comprometido el gobierno de la república por el de los Estados-Unidos de América para el pago é indemnizacion de los daños y perjuicios que reclamaban muchos de sus ciudadanos, se celebró en 11 de abril de 1839 una convencion, que aprobó el congreso nacional, para que se procediera á la calificacion de la deuda por comisionados que nombraran las dos partes interesadas, eligiéndose ademas por árbitro en los casos dudosos y de difícil arreglo, á S. M. el rey de Prusia, quien intervino en este negocio por medio de un ministro que autorizó competentemente para el efecto. Durante la administracion que presidió el Exmo. Sr. general de division D. Anastasio Bustamente fueron electos los comisionados, marcharon á desempeñar su encargo y se consumaron todos los actos que prescribia la convencion citada. Por ellos se reconoció la obligacion de satisfacer al gobierno de los Estados-Unidos la enorme suma de dos millones y medio de pesos, para cuyo pago se estipuló en la referida convencion gravar las rentas de nuestras aduanas marítimas, en términos que hubieran agotado ese recurso de que dispone la nacion para sus primeras y mas sagradas atenciones; y fué mi cuidado preferente libertar del compromiso á aquellos fondos, porque no podian sostenerlo; y por una nueva convencion que dejé iniciada y que se consumó en 30 del último enero, hallándome ausente, se acordó distribuir el pago en cinco años, satisfaciéndose en 30 del presente mes la primera cuota que asciende á doscientos setenta mil pesos fuertes. Equívoca y quiza torcidá ha sido la marcha de este asunto, porque el ministro plenipotenciario de la república en Washington, al firmar la repetida primera convencion, obrando contra espresas instrucciones del gobierno, descuidó de afianzar en las bases preliminares de la negociacion los derechos y acciones de los Mexicanos, quedando solamente asegurados los reclamos de los ciudadanos de los Estados-Unidos de América. No puedo calificar de acertados los fallos de los comisionados de México, porque ni aun el exámen y aprobacion se dejó por la primera de las mencionadas convenciones, como parecia natural, á entrambos gobiernos, habiéndose librado los derechos de la nacion al juicio esclusivo de dos de sus ciudadanos. Se empeñaron las aduanas maritimas mas allá de lo quo les era posible sobrellevar, sin comprender los embarazos en que se ponía á la nacion prometiendo á nombre de su gobierno lo que no le era dado cumplir. En la última convencion se disminuyeron los inconvenientes; pero se empeñó mas el compromiso nacional y él es tan sagrado, que si la nacion no lo atendiese, incurriria en una nota la mas vergonzosa, haciéndose el ludibrio de todos los pueblos, que no mas respetan á los que guardan con exactitud y fidelidad sus solemnes promesas. El gobierno de los Estados-Unidos podria declararnos entónces la guerra, y aunque no la tememos, jamas debemos provocarla, porque si nos faltara la justicia, nos abandonarían las simpatías del mundo civilizado. Mi administracion no se manchará con un solo acto de debilidad en sus transacciones con las naciones extranjeras; mas tampoco se marcará con alguna inconsecuencia ó infidelidad, que pierden á las naciones y aun las vuelven indignas de tan elevado rango. Está, pues, la nacion Mexicana necesitada á llenar la promesa que á su nombre ha dado el gobierno, y aunque su sacrificio sea penoso, es de aquellos con que se adquiere y conserva una honrosa nombradía. Es sin embargo notorio, el que las rentas de la república han llegado á un estado de tan estrema decadencia, que no se cubre con ellas

la cuarta parte de los gastos mas urgentes y necesarios. Tiempo vendrá en que se haga justicia á la administracion á cuyo frente me he hallado, porque habiendo recibido el tesoro en bancarrota, ha reorganizado el ejército, ha creado una escuadra, ha podido llevar la guerra á las estremidades de la república, sostener allí la gloria de su pabellon, vencer dificultades que parecian insuperables, y sobreponerse á todo, sin otro caudal que al de la constancia y de la firmeza, en el universal desastre. Mas por desgracia, no encuentro en las arcas del tesoro público ni un solo peso de que disponer, sino con el abandono de objetos que están identificados con la vida misma de la nacion. Marchando por todos los caminos de la prudencia, he solicitado préstamos voluntarios, y apenas se completó una suma, que era la novena parte de la cuota que ha de ponerse á disposicion del ministro de los Estados-Unidos, en 30 del presente mes. ¿Cual el remedio en tan amargas circunstancias? El mismo que adoptan todas las naciones en casos extremos, cuando los sacrificios son inevitables, porque se compra con ellos el honor é impide una nota de vergüenza. Hablo con sentimiento de un préstamo forzoso, á que no dudo se allanarán con gusto las corporaciones y ciudadanos Mexicanos, que posean fortuna conocida, porque la nacion, así como exige de muchos de sus hijos el sacrificio de la vida, así tambien puede demandar el de las propiedades, cuando lo que se va á salvar es el decoro de la nacion, y la buena fé de su gobierno. En consecuencia, evitándole al pueblo la guerra que siempre es una calamidad, y consultando solamente al bien de la república, y con la plenitud del poder que me concede la séptima de las bases acordadas en Tacubaya, y sancionadas por la voluntad del pueblo Mexicano, he tenido á bien decretar y decreto lo contenido en los artículos siguientes.

1°. Se exigirá como préstamo forzoso á todos los departamentos de la república, y con proporcion á su riqueza, la cantidad de dos millones y medio de pesos, para cubrir la deuda que el gobierno de México ha reconocido al de los Estados-Unidos de América.

2°. Esta suma será reintegrada de preferencia luego que las atenciones del erario lo permitan, dándose á estos créditos lugar privilegiado en la deuda pública.

3°. La cantidad que corresponda á cada departamento para el indicado objeto, se designará oportuna y equitativamente por el gobierno.

4°. Desde luego se procederá á reunir en esta capital la cantidad de doscientos setenta mil pesos que estará disponible para el dia 30 del presente, y á cuenta de la asignacion que corresponda al departamento de México en la distribucion de los dos y medio millones de pesos.

5°. Para que se proceda con equidad y justificacion en el reparto de las cuotas, conforme á las fortunas de las corporaciones y ciudadanos de la república, se hará esta por el tribunal mercantil, de acuerdo con las juntas de fomento, de industria y de mineria, concurriendo ademas uno de los ministros de la tesorería general; y por lo que respecta al clero secular y regular el individuo ó individuos que nombrare el Illmo. Sr. Arzobispo de México. La cantidad de doscientos setenta mil ps. se repartirá entre los cleros secular y regular, conventos de monjas que posean bienes, cofradías, archicofradías, los llamados juzgados de testamentos, capellanías y obras pías, y entre los ciudadanos Mexicanos de conocida propiedad, comerciantes, labradores ó de cualquiera otra profesion, sin exceptuarse una sola corporacion civil ó eclesiástica que posea ó administre bienes.

6°. Dentro de cuatro dias despues de publicado el presente decreto,

quedará hecha indefectiblemente la citada distribucion de la suma de doscientos setenta mil pesos, bajo la mas estrecha responsabilidad de las autoridades y corporaciones espresadas, las que remitarán, sin demora alguna, al ministerio de hacienda la lista de cuotas y personas á quienes se señalarén.

7º. La suma que á cada corporacion ó ciudadano de esta capital corresponda, á mas tardar, será entregada en la tesorería general el dia 28 del corriente, y ella usará de su facultad economico-coactiva y de cuantas mas fueren necesarias para el logro de tan urgente é interesante objeto.

Por tanto, mando se imprima, publique, circule y se le dé el debido cumplimiento. Dado en el palacio nacional en Tacubaya á 20 de abril de 1843.—*Antonio Lopez de Santa-Anna*.—*I. Trigueros*, Ministro de hacienda.

Y lo comunico á V. E. para su conocimiento y fines correspondientes.

Dios y libertad. México abril 20 de 1843.—*Trigueros*.—Exmo. Sr. gobernador de este departamento."

Y para que llegue á noticia de todos, mando se publique por bando en esta capital y en las demás ciudades, villas y lugares de la comprension de este departamento, fijándose en los parages acostumbrados y circulándose á quienes corresponda. Dado en México á 20 de abril de 1843.

VALENTIN CANALIZO.

LUIS G. CHAVARRI, *Secretario*.

[Translation.]

VALENTIN CANALIZO, *general of division, governor and commander in chief of the department of Mexico.*

The following communication has been this day made to me by the Minister of the Treasury:

"His excellency the provisional President of the Republic has been pleased to issue the following decree:

"Antonio Lopez de Santa Anna, general of division, benemérito of his country, and provisional president of the Mexican republic, to the inhabitants of the same, Know ye: That the government of the republic having been demanded and held accountable by the United States of America for the payment and indemnification of the damages and injuries sustained by many of her citizens, a convention was, on the 11th of April, 1839, entered into, and approved by, the national congress, to the end that the debt should be audited by commissioners named by the two parties interested; besides whom, his majesty the King of Prussia being selected as umpire in doubtful cases, and those of difficult settlement, who entered upon this business by means of a minister fully authorized by him for the purpose. During the administration of his excellency general of division, Don Anastasio Bustamente, the commissioners were chosen; they proceeded to discharge their duty, and all the proceedings which the said convention prescribed were complied with. By them was recognised the obligation to satisfy the government of the United States to the enormous amount of two millions and a half of dollars, for the payment whereof it was stipulated in the said convention to burden the revenues of our maritime custom-houses within periods which would have exhausted that resource, of which the nation makes use for its first and most holy obligations; and it was my care, before all other things, to liberate those funds from the accountability, since they could not sustain it; and, by a new convention



which I instituted, and which was concluded on the 30th of January last, during my absence, it was agreed to distribute the payment through five years, and pay on the 30th of the present month the first instalment, amounting to \$270,000, in specie. The progress of this business has been equivocal and perhaps tortuous, since the minister plenipotentiary of the Mexican republic at Washington, on signing the aforesaid first convention, acting contrary to the express instructions of the government, omitted to secure, in the preliminary bases of the negotiation, the rights and claims of the Mexicans, leaving protected only the claims of the citizens of the United States of America. I cannot determine that the decisions of the Mexican commissions were well founded, since not even the examination and approval was left by the first of the said conventions, as would seem natural, to both governments, the rights of the nation having been given up to the exclusive jurisdiction of two of its citizens. The maritime custom-houses were pledged far beyond what it was possible for them to sustain, without causing the embarrassment in which the nation would be placed by promising for its government what it was unauthorized to effect. In the last convention the inconveniences were lessened; but the national credit was so pledged, and is so sacred, that if the nation do not meet it, it would knowingly incur the deepest shame, becoming the scorn of all nations who respect those only who preserve their solemn promises with exactitude and fidelity. The government of the United States might in such case declare war against us; and although we do not fear war, we should never provoke it, since, if justice should fail us, the sympathies of the civilized world would be denied us. My administration shall not be stained with a single act of weakness in its transactions with foreign powers; neither shall it be stained with any want of foresight or infidelity, which causes nations to lose their rank, and even renders them unworthy of their high position. The Mexican nation is, then, obliged to fulfil the promise made by the government in its name; and although the sacrifice may be heavy, it is of that kind which acquires and preserves an honest distinction. It is nevertheless notorious, that the revenues of the republic have arrived at a state of such extreme penury, that the fourth part of the most urgent and necessary expenses is not met by them. The time will come when justice will be rendered to the administration at whose helm I have put myself, since, having received the treasury in a state of bankruptcy, it has reorganized the army, has created a navy, has been able to carry the war to the frontiers of the republic, there to sustain the glory of its flag, to conquer difficulties which seemed insuperable, and overcome them all without any other fortune than that of constancy and firmness in universal disaster. But unfortunately I do not find in the coffers of the public treasury a single dollar to dispose of, without abandoning objects which are identified with the very life of the nation. Proceeding through every avenue of prudence, I have requested voluntary loans, and a sum was furnished which scarcely amounted to the ninth part of the instalment which is to be placed at the disposal of the minister of the United States on the 30th of the present month. What is the remedy in such bitter circumstances? The same that all nations adopt in extreme cases, when sacrifices are inevitable, because they bear with them honor, and forbid the feeling of shame. I speak with regret of a forced loan, in which I have no doubt the corporations and citizens of Mexico will with pleasure concur, who possess known means, since the nation, as it requires of many of its sons the sacrifice of life, so also may demand the sacrifice

of property, when its object is to preserve the honor of the nation, and the good faith of their government. Consequently shielding the people from war, which is always a calamity, and consulting only the good of the republic, and with the plenitude of power conferred on me by the seventh of the bases granted in Tacubaya, and sanctioned by the will of the Mexican people, I have decreed, and do decree, what is set forth in the following articles:

ART. 1. The sum of two millions and a half of dollars will be required as a forced loan from all the departments of the republic, in proportion to their wealth, in order to cover the debt which the government of Mexico has admitted in favor of the United States of America.

2. This sum will be repaid in preference to other debts, as soon as the state of the treasury will permit, a privileged footing in the public debt being given to these credits.

3. The sum proportionate to each department for the object indicated, will be designated by the government opportunely and equitably.

4. It will proceed immediately to collect together in this capital the sum of two hundred and seventy thousand dollars, which must be at its disposal by the 30th day of the present month, and on account of the assessment corresponding to the department of Mexico in the distribution of the two and a half millions of dollars.

5. In order to proceed with equity and justice in the collection of the quotas, conformable with the fortunes of the corporations and citizens of the republic, this shall be done by the mercantile tribunal, together with the juntas of fuel, industry, and mining; in connexion with one of the ministers of the general treasury; and, as far as concerns the secular and regular clergy, the person or persons whom his excellency the archbishop of Mexico will appoint. The sum of \$270,000 will be collected from the secular and regular clergy, the nunneries which may be in the possession of estates, brotherhoods, archbrotherhoods, the tribunals of wills, ecclesiastical benefices, and pious works; and from Mexican citizens of known property, merchants, laborers, and all other professions, without excepting a single corporation, civil or ecclesiastic, which possesses or administers property.

6. Within four days after the present decree is published, the said contribution of the sum of \$270,000 must be perfectly made up, under the most severe responsibility of the authorities and corporations aforesaid, who will remit, without any delay, to the Treasury Department, the list of quotas and persons on whom assessed.

7. The sum corresponding to each corporation or citizen, of this capital will be delivered into the general treasury by the 28th instant at the latest, and the Treasury will use its economical effective measures, and whatever further may be necessary, for the success of so urgent and interesting an object.

Therefore, I order the present to be printed, published, circulated, and duly complied with. Done at the national palace in Tacubaya, on the 20th of April, 1843.—*Antonio Lopez de Santa Anna*.—*I. Trigueros*, Minister of the Treasury.

And I communicate the same to you for your information and proceedings in consequence.

God and liberty. Mexico, April 20, 1843.—*Trigueros*.—To his excellency the governor of this department."

And that it may come to the knowledge of every one, I order that it be decreed in this capital, and in the other cities, towns, and places of this department, exhibiting it in the usual public places, and circulating it to those interested. Given in Mexico on the 20th of April, 1843.

VALENTIN CANALIZO.

LUIS G. CHAVARRI, *Secretary*.

#### D.

El C. VALENTIN CANALIZO, *general de division, gobernador y comandante general del departamento de México*.

Por el ministerio de hacienda, con fecha 5 del que rige, se me ha comunicado el decreto siguiente.

“El Exmo. Sr. Presidente provisional de la República se ha servido espedir el decreto que sigue.

“Antonio Lopez de Santa-Anna, general de division, benemérito de la patria y Presidente provisional de la República Mexicana, á los habitantes de ella, sabed: Que para llevar á efecto el préstamo forzoso decretado en 20 de abril último, para satisfacer las sumas reconocidas por este gobierno al de los Estados-Unidos de América, y en uso de las facultades que me concede la séptima de las bases acordadas en Tacubaya y sancionadas por la nacion, he tenido á bien decretar lo siguiente.

ART. 1º. La cantidad de dos y medio millones de pesos que el gobierno de la república está obligado á satisfacer al de los Estados-Unidos de América, la exhibirán los departamentos en esta forma.

Departamentos.	Asignacion total.	Idem anual.	Idem por trimestres.
México	588,000	117,600	29,400
Jalisco	294,000	58,800	14,700
Puebla	294,000	58,800	14,700
Guanajuato	235,200	47,040	11,760
Oajaca	94,000	18,800	4,700
Michoacán	117,600	23,520	5,880
San Luis Potosí	176,400	35,280	8,820
Zacatecas	176,400	35,280	8,820
Veracruz	117,600	23,520	5,880
Durango	117,600	23,520	5,880
Chihuahua	41,200	8,240	2,060
Sinaloa	117,600	23,520	5,880
Sonora	29,400	5,880	1,470
Querétaro	29,400	5,880	1,470
Nuevo-Leon	17,600	3,520	880
Tamaulipas	14,100	2,820	705
Coahuila	9,400	1,880	470
Aguascalientes	11,700	2,340	585
Tabasco	11,800	2,360	590
Chiapas	7,000	1,400	350
	<u>2,500,000</u>	<u>500,000</u>	<u>125,000</u>

2º. Las cantidades totales que señala el artículo anterior, deberán enterarse en el término de cinco años, contados desde el 30 de abril último, y por trimestres adelantados.

3°. Los gobernadores y juntas departamentales procederán inmediatamente á señalar las cuotas individuales correspondientes hasta el completo de la cantidad designada á cada departamento.

4°. Luego que esté hecha la indicada distribucion, los gobernadores pasarán á los tesoreros departamentales las listas respectivas para que sin demora exijan estos desde luego lo correspondiente al primer trimestre que se cumple en 30 de julio próximo venidero, y sucesivamente los demas.

5°. Los espresados tesoreros serán responsables de la exacta y puntual recaudacion de las cuotas señaladas, á cuyo fin harán uso de la facultad económico-coactiva que les conceden las leyes y de cuantas mas fueren necesarias respecto de aquellos individuos, que olvidando sus deberes como buenos ciudadanos, se negaren con cualquier pretexto á la entrega de lo que se les haya detallado por las respectivas autoridades.

6°. Para el cobro de las cuotas asignadas en los lugares de fuera de las capitales de los departamentos, los tesoreros comisionarán á los respectivos recaudadores de rentas, los que lo mismo que los tesoreros, desempeñarán este servicio sin ningun gravámen del erario, excepto el que sea absolutamente preciso para la reunion en cada capital de todo lo colectado en el departamento, cuando no sea posible hacerlo por medio de libranzas ú otro que no ocasione gasto.

7°. Mediante á que el pago respectivo á cada trimestre debe hacerse en México á la persona que designe el gobierno de los Estados-Unidos, los tesoreros departamentales obrarán con toda actividad á fin de que la cantidad que corresponda al departamento esté reunida en la respectiva capital, por lo menos un mes antes de cumplirse el plazo.

8°. Los espresados tesoreros avisarán oportunamente al ministerio de hacienda luego que hayan colectado el importe de cada trimestre, para que el gobierno disponga de él segun convenga al objeto á que está destinado.

9°. Cuando por cualquier motivo justificado sea del todo imposible que algunos individuos sigan entregando la cuota que se les hubiere fijado, los tesoreros darán aviso á los gobernadores para que de acuerdo con las juntas departamentales se llene el vacío que dejen los que ya no puedan contribuir, de modo que siempre esté cubierta la total suma asignada á cada departamento.

10°. El gobierno y la junta departamental de México al hacer la designacion que les pertenece, tendrán presente el préstamo de doscientos setenta mil pesos que han hecho los individuos que constan en la lista que se les pasará por el ministerio de hacienda, á fin de que en la reparticion general se proceda con la equidad que exige la justicia respecto de los que ya han contribuido, en inteligencia de que si faltare alguna suma puede completarse asignando otra cantidad á aquellos individuos que con mejor fortuna hubieren exhibido ménos de lo que debieron enterar.

11°. Los demas gobiernos y juntas departamentales tendrán tambien presentes respectivamente á aquellos individuos que han contribuido en esta ciudad al préstamo de los doscientos setenta mil pesos, no obstante que sus giros ó propiedades se hallan en otros departamentos, á fin de que no les resulte mayor exhibicion de la que les corresponda.

Por tanto, mando se imprima, publique, circule y se le dé el debido cumplimiento. Palacio nacional en Tacubaya á 5 de mayo de 1843.  
—Antonio Lopez de Santa-Anna.—Ignacio Trigueros, Ministro de hacienda.

Y lo comunico á V. E. para su inteligencia y efectos consiguientes.



Dios y libertad. México mayo 5 de 1843.—*Trigueros*.—Exmo. Sr. gobernador de este departamento.”

Y para que llegue á noticia de todos, mando se publique por bando en esta capital y en las demas ciudades, villas y lugares de la comprension de este departamento, fijándose en los parages acostumbrados y circulándose á quienes corresponda. Dado en México á 11 de mayo de 1843.

VALENTIN CANALIZO.

LUIS G. CHAVARRI, *Secretario*.

[Translation.]

VALENTIN CANALIZO, *general of division, governor and commanding general of the department of Mexico.*

The following decree was communicated to me by the Treasury Department, under date of the 5th instant:

“His excellency the provisional President of the Republic has been pleased to issue the following decree:

“Antonio Lopez de Santa Anna, general of division, benemérito of his country, and provisional president of the Mexican republic, to the inhabitants thereof, Know ye: That in order to effect the forced loan decreed on the 20th of April last, to satisfy the sums recognised by this government in favor of the United States of America, and in accordance with the powers vested in me by the seventh of the bases granted in Tacubaya, and sanctioned by the nation, I have resolved to decree as follows:

Arr. 1. The sum of two and a half millions of dollars, which the government of the republic is bound to pay to the United States of America, will be furnished by the departments in the following manner:

Departments.	Total assess.	Annual.	Quarterly.
Mexico	\$588,000	\$117,600	\$29,400
Jalisco	294,000	58,800	14,700
Puebla	294,000	58,800	14,700
Guanajuato	235,200	47,040	11,760
Oajaca	94,000	18,800	4,700
Michoacán	117,600	23,520	5,880
San Luis Potosí	176,400	35,280	8,820
Zacatecas	176,400	35,280	8,820
Vera Cruz	117,600	23,520	5,880
Durango	117,600	23,520	5,880
Chihuahua	41,200	8,240	2,060
Sinaloa	117,600	23,520	5,880
Sonora	29,400	5,880	1,470
Queretaro	29,400	5,880	1,470
Nuevo Leon	17,600	3,520	880
Tamaulipas	14,100	2,820	705
Coahuila	9,400	1,880	470
Aguascalientes	11,700	2,340	585
Tabasco	11,800	2,360	590
Chiapas	7,000	1,400	350
	<u>2,500,000</u>	<u>500,000</u>	<u>125,000</u>

ART. 2. The total amounts which the first article cites must be made up within the period of five years, counting from the 30th of April last, and in quarterly instalments.

ART. 3. The governors and juntas of departments will proceed immediately to assess the correspondent quotas of individuals, so as to make up the sum designated to each department.

ART. 4. As soon as the said distribution is made, the governors will transmit to the department treasurers the respective lists, in order that, without delay, they may immediately collect the instalment for the first three months, which will expire on the 30th of July next, and successively the remainder.

ART. 5. The said treasurers will be responsible for the exact and punctual collection of the said instalments, for which purpose they will exercise the economical coactive powers granted to them by law, and whatever further may be necessary with respect to those persons who, forgetting their duty as good citizens, may refuse, under any pretext, to deliver what shall have been assessed upon them by the respective authorities.

ART. 6. For the collection of the quotas assigned in places distant from the capitals of the departments, the treasurers will appoint the respective collectors of the revenue, who, as well as the treasurers, will discharge this duty without any expense to the Treasury, except what may be absolutely necessary to transport to each capital the whole amount collected in the department, when there is no possibility of doing so by means of bills of exchange, or other method without expense.

ART. 7. Inasmuch as the respective payment is to be made every three months in Mexico to the person whom the government of the United States may designate, the department treasurers will proceed with all activity, so that the sum correspondent to the department may be collected together in the respective capital, at least one month before the specified period shall have elapsed.

ART. 8. The said treasurers will promptly advise the Treasury Department as soon as the total for each quarter shall have been collected, in order that the government may dispose of it according to the object for which it is destined.

ART. 9. When, from any well-grounded inevitable cause, it happens that some individuals may be unable to furnish the quota assigned them, the treasurers will give notice to the governors, in order that, with the juntas of the departments, they may supply the deficiency occasioned by those who can contribute no more, in such manner that the sum total assigned to each department may be fully made up.

ART. 10. The government and department junta of Mexico, when making the designation of their collections, will keep in view the loan of \$270,000 which has been made by the individuals named in the list which will be sent them by the Treasury Department, in order that in the general distribution they may proceed with the equity that justice demands, with respect to those who have already contributed, with the understanding that if any sum should be wanting, it must be made up by assigning a larger portion to those individuals who with better fortune shall have contributed less than they should give.

ART. 11. The other governors and juntas of departments will also keep in view those individuals who have contributed in this city to the loan of the \$270,000, notwithstanding their fortunes or property are in other depart-

ments, so that they may not be required to contribute more than their proportion.

Therefore, I order the present to be printed, published, circulated, and due compliance to be given to it. National Palace of Tacubaya, May 5, 1843.—*Antonio Lopez de Santa Anna*.—*Ignacio Trigueros*, Secretary of the Treasury.

God and Liberty. Mexico, May 5, 1843.—*Trigueros*.—To his excellency the governor of this department."

And that it may come to the knowledge of every one, I order that it be decreed in this capital, and in the other cities, towns, and places of this department, exhibiting it in the usual public places, and circulating it to those interested. Given in Mexico, on the 11th of May, 1843.

VALENTIN CANALIZO.

LUIS G. CHAVARRI, *Secretary*.

### E.

*Extract of a letter from Benjamin E. Green to Mr. Calhoun, Secretary of State, dated Washington, December 17, 1844, accompanying the President's message to the House of Representatives of December 18, 1844—page 33.*

"While upon this subject, I beg leave to state that our claims were used by the Mexican government as a pretext for levying a forced loan. More than sufficient to pay all our claims was raised in that way; but a very small part of it has been paid to our citizens, and the rest has been applied to other purposes."

*The missing Mexican instalments.—A letter from Gen. Santa Anna.*

The following literal translation of a letter received by Charles Callaghan, esq., merchant of the city of New York, per ship *Norma*, from Havana, on the 10th instant, which we copy from the New York Tribune, is curious, but does not appear to us to throw much new light upon the matter to which it relates:

"HAVANA, November 19, 1845.

"MY DEAR SIR: With some delay, your letter of the 22d August ultimo came to hand, which I now answer, though to do so I have to be somewhat diffuse.

"When, in October, 1841, I was nominated President of the Republic by the free and spontaneous will of the nation, I found that the convention, already signed in Washington by the charges of Mexico and of the United States, which adjusted the claims of the latter, and the manner of executing the payment thereof, had been ratified by my predecessor, General Bustamante. To say the truth, I would, on my part, never have sent any commissioners to the United States, for the cabinet of Washington itself should have sent them to Mexico; nor would I have ratified the convention in the terms in which it was conceived. But when I took the reins of government, the treaty was already valid between the two

nations; and being more jealous than any other of the honor of my country, and being also intimately persuaded that its basis should consist in the exact and religious observance of treaties, and knowing, on the other hand, the policy and views of the United States, I resolved to fulfil it in all its parts, to take from your government every pretext that might in the least disturb the harmony and good understanding between the two countries, and, at the same time, to deliver my own country from all ulterior projects that might affect its integrity.

"To this end I did not hesitate in taking the most efficient measures in order that Mexico should pay the awards designated in the convention, and that the payment might be effected in the stipulated manner and form; and as the treasury, at the period when I entered into office, was but a skeleton, I imposed a forced loan on the whole nation; so that each and every one of the citizens should contribute according to his means to the payment of a debt which had already become sacred for Mexico. The loan having been effected with the energy which characterized the acts of my administration, I succeeded in saving the national honor, in spite of the outcries and the opposition which were excited, and which attributed to me the name of tyrant from those who care not for honor, which they do not know, or who affect not to know that in these cases the citizens are bound patriotically to furnish all their means. That measure of my government was one of those which called down upon me the most censure, and gave me the most griefs; but, comforted by the testimony of my own conscience, and with the approbation of the thinking part of both countries, I trust that the judgment of vigorous and impartial history will, sooner or later, justify me before posterity, and perhaps also in the eyes of my contemporaries.

"I attained my object, and consequently the instalments were most punctually paid, in ready cash, during the time I was at the head of government. But as, on the 30th of April of last year, I had withdrawn from public business and retired to my farms, and as both the constitution and my character did not allow the President to mingle in public affairs during absence, I confined myself to recommending the payment to the President *pro tempore*, General Valentin Canalizo, and to the Minister of Finance, Don Ignacio Trigueros; and when the other instalment of July 30, of which you speak, expired, having then resumed my functions, I dictated all the necessary measures, and positively ordered the Secretary of the Treasury to make the payment in specie, according to my anterior provisions; so that if, in defiance of my orders, the payment was made in bills or drafts, that functionary violated his duties by disobeying my commands, and the agent, Don Emilio Voss, was not less guilty in receiving, as he received, according to what you say, the amount in paper. At that same period I dictated, in advance, other orders for the payment of the successive instalments with all exactitude, and in ready cash; for, the people having contributed it in cash, I resolved and ordered that the money should not be employed for any other purpose; and my conversation with the minister Shannon, which you mention, alludes to this.

"In short, in my opinion, the instalments to which you refer were paid in ready cash; but, if it is not so, the minister and the agent, Voss, are responsible, the former for having disobeyed my positive orders, and the latter for not having fulfilled the orders of his constituents.

"I am, with all consideration, your obedient servant, who kisses your hand,

"A. L. DE SANTA ANNA."



## F.

*Extract from a letter from Mr. Shannon, our minister in Mexico, to Mr. Calhoun, Secretary of State, dated Mexico, September 21, 1844, accompanying the President's message to the House of Representatives of February 17, 1845—page 19.*

“The instalments which fell due on the 30th of April and 30th of July last, under the convention of the 30th of January, 1843, were paid to the agent of the government appointed to receive and transmit the same, on the 27th ultimo. I am inclined to believe that this government will hereafter be more prompt in meeting its engagements under the above-named treaty than it has heretofore been; and if it should turn out otherwise, it will be owing to a real inability to raise the means. I am advised that it was with the utmost difficulty that this government was able to raise the money to pay the two last instalments. The truth is, there is no money in the treasury; and the large military establishment kept up by the government, and which must be paid, absorbs the revenues as fast as they come in. But, as Santa Anna is desirous to avoid a rupture at this time with the United States, I am inclined to think that every exertion will be made on the part of this government to meet the future instalments as they become due.”

*And, same to same, dated Washington, July 2, 1845.*

“On the 12th of September, I had an interview with the president, Santa Anna, in relation to the release of the Texian prisoners, and the unadjusted claims of our citizens on the government of Mexico; in which he took occasion to speak of the payment of the two instalments above named, and the difficulties the government had to encounter to meet them; and assuring me, at the same time, that he had caused arrangements to be made, which would enable the government to meet the future instalments promptly as they fell due.”

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G.

[Copy.]

*From the Madisonian of November 4, 1845.*

“Official.—Department of State, November 4, 1844.—Information has been received at this department that the instalments due on the 30th of April and 30th of July last, under the convention between the United States and the Mexican government, were paid by that government on the 27th of August last.”

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H.

*From a letter from Mr. Calhoun to Mr. Shannon, dated Department of State, September 11, 1844, accompanying the President's message to the House of Representatives of February 3, 1845—page 17.*

“These claims have been long due, though recognised only at a comparatively recent date; and it cannot be expected that the government of the United States should longer look with indifference on the virtual denial

of justice to their citizens. The exhausted state of her treasury may have heretofore furnished some grounds of excuse; and looking to that, the government of the United States has refrained from pressing the subject as urgently as the rights of the claimants and the express stipulations of the treaty warranted. But this forbearance seems to have had no other effect than to encourage that disregard of her engagements which has uniformly marked her conduct towards this country for some years past."

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I.

[Extract.]

*Mr. Green to Mr. Calhoun, of January 25, 1845.—From the same document, page 21.*

"The forbearance exercised towards the Mexican government, in thus waiting upon their necessities, was in accordance with the liberality invariably exercised by our legation and government towards the government of Mexico. It has been observed in all the late payments, none of which were made at the appointed day."